

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas J. Cutter et al.

Serial No.: 09/777,036

Filed: February 5, 2001

For: METHOD AND APPARATUS FOR  
CHECKING THE RESISTANCE  
OF PROGRAMMABLE ELEMENTS

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Group Art Unit: 2874

Examiner: Unassigned

Atty. Docket: MCRO:181--1/FLE  
95-0580.01

**Mail Stop Office of Petitions**

Commissioner for Patents

P.O. Box 1450

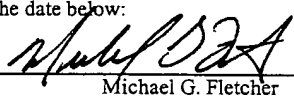
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on the date below:

August 28, 2003

Date

  
Michael G. Fletcher

Sir:

**PETITION UNDER 37 C.F.R. § 1.181**  
**IN RESPONSE TO NOTICE OF ABANDONMENT**

This petition is being filed in response to the Notice of Abandonment mailed on August 7, 2003. (Exhibit 1). The notice states that the above-referenced application has been abandoned for failure to respond to the Notice to File Missing Parts mailed on April 20, 2001. In view of the remarks set forth below, Applicants respectfully request withdrawal of the Notice of Abandonment and reinstatement of the above-referenced application with its original filing date of February 5, 2001.

On February 5, 2001, Applicants filed a Request for Filing a Continuing Application under 37 C.F.R. § 1.53(b). (Exhibit 2). On page two of the request, item ten (10) indicates that a Decision According Status under 37 C.F.R. § 1.47(a) for the parent application was attached. (Exhibit 3). A return copy of the postcard filed along with the request also evidences that a copy of the Decision According Status was filed along with the request on February 5, 2001. (Exhibit

4). According to the Decision, the application is accorded status under Rule 1.47(a) due to the failure of joint inventor Fan Ho to join in the application.

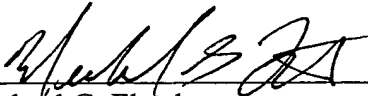
On June 15, 2001, the undersigned discussed the Notice to File Missing Parts with Preston Wallace of the Patent Office's customer service center, who instructed Applicants to disregard the Notice to File Missing Parts in view of the facts described above. Accordingly, Applicants have been awaiting a first substantive action since that date.

Because a Declaration evidencing Fan Ho's signature is clearly not required in view of the Decision According Status under 37 C.F.R. § 1.47(a) filed on February 5, 2001, both the Notice to File Missing Parts and the Notice of Abandonment have been issued in error. Accordingly, Applicants strenuously request withdrawal of the Notice of Abandonment, reinstatement of the present application, and substantive examination at the earliest possible date.

It is not believed that any fees are required for filing this petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 13-3092; Order No. MCRO:181--1/FLE (95-0580.01) for any fees that might be required.

Respectfully submitted,

Date: August 28, 2003

  
\_\_\_\_\_  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/777,036	02/05/2001	Douglas J. Cutter	MCRO:181--1/FLE

CONFIRMATION NO. 2669

ABANDONMENT/TERMINATION  
LETTER

\*OC000000010652353\*

Michael G. Fletcher  
Fletcher, Yoder & Van Someren  
P.O. Box 692289  
Houston, TX 77269-2289

Date Mailed: 08/07/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/20/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

AUG 15 2003

Fletcher Yoder

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Douglas J. Cutter et al.

Prior Application Serial No.: 08/813,525  
Prior Application Filed: March 7, 1997

Serial No.: Unassigned

Filed: Herewith

For: METHOD AND APPARATUS FOR  
CHECKING THE RESISTANCE  
OF PROGRAMMABLE ELEMENTS

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§ Group Art Unit: Unassigned  
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§ Examiner: Unassigned  
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§ Atty Docket: MCRO:181--1/FLE  
§ 95-0580.01  
§

Assistant Commissioner  
For Patents  
Washington, D.C. 20231

<b>"EXPRESS MAIL" MAILING LABEL</b>	
NUMBER:	EL 652 335 451 US
DATE OF DEPOSIT:	February 5, 2001
<p><i>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the U.S. Postal Service, "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</i></p>	
February 5, 2001	<i>Cynthia L. Hayden</i>
Date	Cynthia L. Hayden

Dear Sir:

**REQUEST FOR FILING CONTINUING APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a Request for filing a continuing application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 08/813,525, filed on 03/07/97, entitled **METHOD AND APPARATUS FOR CHECKING THE RESISTANCE OF PROGRAMMABLE ELEMENTS** in the name of Douglas J. Cutter et al.

The following are enclosed:

1.   X   Papers which the undersigned declares to be a true copy of the prior application as originally filed, including a Title page, a 15 page disclosure, 11 pages of claims, a 1 page abstract of the disclosure, 7 sheets of informal drawings, and 3 Declarations signed by all of the inventors except Fan Ho.
2.   X   The Commissioner is authorized to charge the filing fee as calculated below, less any claims canceled by amendment below, and any additional fees which may be required, to Deposit Account No. 13-3092; Order No. MCRO:181-1/FLE (95-0580.01).
- 3.a.        A copy of the Election and Power of Attorney in the prior application.  
or
- 3.b.        A new Power of Attorney.
4.   X   3 Assignments of record for the prior application.
5.   X   Three (3) sets of informal drawings, each set consisting of 7 sheets.
- 6.a.        A verified statement claiming small entity status is enclosed.

or

6.b. \_\_\_\_\_ A verified statement claiming small entity status was filed in a parent application and small entity status is still proper and desired in this continuing application.

7.   X   An Information Disclosure Statement and PTO-1449.

8.   X   One set of Formal Drawings consisting of   5   sheets.

9.   X   A Preliminary Amendment.

10.   X   A Decision According Status Under 37 C.F.R. § 1.47(a) for the prior application.

  X   Please address all correspondence in connection with this application to Michael G. Fletcher, Fletcher, Yoder & Van Someren, P.O. Box 692289, Houston, Texas 77269-2289; telephone (281) 970-4545.

\_\_\_\_\_ Amend the specification by inserting before the first line the sentence:


  X   Cancel in this application original claims   2-27   of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

The filing fee is calculated on the basis of the claims originally filed in the prior application, and any claims canceled or added by amendment.

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
	TOTAL CLAIMS 22	- 20 =	2	X \$ 18.00	\$ 36.00
	INDEPENDENT CLAIMS 7	- 3 =	4	X \$ 80.00	320.00
	MULTIPLE DEPENDENT CLAIM(S) (If applicable)			+ 270.00	
				BASIC FEE	710.00
				Total of above Calculations =	1066.00
	Reduction by ½ for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28.				\$
				TOTAL =	\$ 1066.00

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 5, 2001

  
\_\_\_\_\_  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER, YODER & VAN SOMEREN  
P.O. Box 692289  
Houston, Texas 77269-2289  
(281) 970-4545

12/20/98



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Michael G Fletcher  
Fletcher & Associates  
PO Box 692289  
Houston TX 77269-2289

RECEIVED  
DEC 23 1998

COPY MAILED

DEC 14 1998

In re Application of  
Cutter, Ong, Ho, Beigel,  
Debenham, Luong, Pierce, and  
Mullarkey  
Application No. 08/813,525  
Filed: March 7, 1997  
For: Method and Apparatus for  
Checking the Resistance of  
Programmable Elements

: SPECIAL PROGRAMS OFFICE  
: ~~DECISION~~ <sup>DECISION</sup> ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:  
:

This is in response to the request for reconsideration, filed June 26, 1998, requesting reconsideration of the petition under 37 CFR 1.47(a).

The petition is granted.

Petitioner has now supplied a declaration in compliance with 37 CFR 1.63 and 1.64.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to Group Art Unit 2764.

Telephone inquiries regarding this decision should be directed to the undersigned at (703)306-3159.

Karin Tyson  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

COPY MAILED

Fan Ho  
1030 Castelton # G  
Sunnyvale CA 94087

DEC 14 1998

In re Application of  
Cutter, Ong, Ho, Beigel, Debenham, Luong, Pierce, Mullarkey  
Application No. 08/813,525  
Filed: March 7, 1997  
For: Method and Apparatus for Checking the Resistance of  
Programmable Elements

SPECIAL PROGRAMS OFFICE  
OFFICE OF PATENTS

Dear Mr. Ho:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)305-9285. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Karin Tyson  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

Michael G Fletcher  
Fletcher & Associates  
PO Box 692289  
Houston TX 77269-2289

Please indicate receipt of  
the below-identified paper:

☒ New application Specification: 28 Pages; Drawings: 7 Sheets

☒ Continuation ☐ Divisional ☐ CIP ☐ CPA

☐ Response to Office Action dated ☐ Final Rejection

☒ Other Request for Filing Continuing Application;  
Preliminary Amendment; PTO-1449; IDS; Parent Declarations  
Assignments & Decision According Status; One set of  
Formal Drawings

☐ Assignment enclosed ☐ Cert. Of Timely Mailing ☒ Express Mail

Identification of Application:

Serial No. \_\_\_\_\_

Title Method and Apparatus for Checking the Resistance  
of Programmable Elements

Applicant Douglas J. Cutter et al.

Client Micron Technology, Inc.

File No. MCRO:181--1

Attorney FLE

Mailed 02-05-01

Filed \_\_\_\_\_

Due Date \_\_\_\_\_

Please indicate receipt of  
the below-identified paper:

☒ New application Specification: 28 Pages; Drawings: 7 Sheets

☒ Continuation ☐ Divisional ☐ CIP ☐ CPA

☐ Response to Office Action dated ☐ Final Rejection

☒ Other Request for Filing Continuing Application;  
Preliminary Amendment; PTO-1449; IDS; Parent Declarations  
Assignments & Decision According Status; One set of  
Formal Drawings

☐ Assignment enclosed ☐ Cert. Of Timely Mailing ☒ Express Mail

Identification of Application:

Serial No. \_\_\_\_\_

Title Method and Apparatus for Checking the Resistance  
of Programmable Elements

Applicant Douglas J. Cutter et al.

Client Micron Technology, Inc.

File No. MCRO:181--1

Mailed 02-05-01

Filed \_\_\_\_\_

